

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA**v.****JESUS RODRIGUEZ, M.D., and
ELDOR BRISH, M.D.,****Defendants.**

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CRIMINAL NO. 18-CR-370**LYNN H. HUGHES**

Judge

Glenda Hassan

Case Manager

Jury Trial

Proceeding

EXHIBIT LIST OF THE UNITED STATES

The United States, by and through the undersigned counsel, discloses its exhibit list in the above-captioned case. The United States reserves the right to amend and supplement this list, including based on proceedings and rulings in this case.

| No. | Description | Offered | Objection | Date Admitted | Date Not Admitted |
|----------------------|------------------------------------------------------------------------------|---------|------------------|---------------|-------------------|
| 101 - Clinic Records | | | | | |
| 101 | Notes from Clinic (DOJ_PINEMONT-0004775-DOJ_PINEMONT-0004776) | | | | |
| 102 | Levels of Prescriptions (DOJ_PINEMONT-0139732) | | | | |
| 103 | Sign in Sheets Excerpt (DOJ_PINEMONT-0003790-DOJ_PINEMONT-0004184) | | Undated portions | | |
| 104 | Follow Up Patient Sign in Sheets (DOJ_PINEMONT-0003782-DOJ_PINEMONT-0003783) | | | | |
| 105 | Check in Age is 25 Note (DOJ_PINEMONT-0000766) | | | | |
| 106 | <i>Intentionally Left Blank</i> | | | | |
| 107 | <i>Intentionally Left Blank</i> | | | | |
| 108 | <i>Intentionally Left Blank</i> | | | | |
| 109 | <i>Intentionally Left Blank</i> | | | | |
| 110 | Pharmacy Flyers and Lists (Various) | | | | |
| 111 | <i>Intentionally Left Blank</i> | | | | |
| 112 | Prescriptions for Dr. Zhang (DOJ_PINEMONT-0001293-DOJ_PINEMONT-0001302) | | Relevance | | |
| 113 | Sticky Notes from Dr. Merck (DOJ_PINEMONT-0003599-DOJ_PINEMONT-0003598) | | | | |

| No. | Description | Offered | Objection | Date Admitted | Date Not Admitted |
|-----|------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------|---------------|-------------------|
| 114 | Medical Services Agreement for Dr. Merck (DOJ_PINEMONT-0003346-DOJ_PINEMONT-0003350) | | | | |
| 115 | Void Prescription for Dr. Merck (DOJ_PINEMONT-0003367) | | | | |
| 116 | December 6, 2017 e-mail chain from Ayoade to April Hemphill (DOJ_PINEMONT-0003566-DOJ_PINEMONT-0003569) | | | | |
| 117 | <i>Intentionally Left Blank</i> | | | | |
| 118 | Pharmacy Issues or Concerns (DOJ_PINEMONT-0003583; DOJ_PINEMONT-0003501-DOJ_PINEMONT-0003503; DOJ_PINEMONT-0003399-DOJ_PINEMONT-0003403) | | | | |
| 119 | Daily Patient Count (DOJ_PINEMONT_REL0000340982-DOJ_PINEMONT_REL0000340983) | | Relevance | | |
| 120 | October 4, 2017 e-mail chain from Rodriguez to April Hemphill (DOJ_PINEMONT-0004365 - DOJ_PINEMONT-0004366) | | | | |
| 121 | April 17, 2018 e-mail from Rodriguez to April Hemphill (DOJ_PINEMONT-0004373) | | | | |
| 122 | United Healthcare Employee Enrollment for Dr. Rodriguez (DOJ_PINEMONT-0003512-DOJ_PINEMONT-0003515) | | | | |
| 123 | Salary Invoices and Checks for Dr. Rodriguez (DOJ_PINEMONT-0003516-DOJ_PINEMONT-0003532) | | | | |
| 124 | ABPHR Certificate for Specialty of Pain Medicine for Dr. Rodriguez (DOJ_PINEMONT-0003447-DOJ_PINEMONT-0003448) | | | | |
| 125 | Background Information for Dr. Rodriguez (DOJ_PINEMONT-0003505-DOJ_PINEMONT-0003507) | | | | |
| 126 | <i>Intentionally Left Blank</i> | | | | |
| 127 | <i>Intentionally Left Blank</i> | | | | |
| 128 | Texas Medical Board Subpoena for Dr. Brish (DOJ_PINEMONT-0004587-DOJ_PINEMONT-0004384) | | | | |
| 129 | Texas Medical Board Subpoena for Dr. Rodriguez (DOJ_PINEMONT-0003438-DOJ_PINEMONT-0003444) | | | | |
| 130 | <i>Intentionally Left Blank</i> | | | | |
| 131 | Salary for Dr. Rodriguez (DOJ_PINEMONT-0003533) | | | | |
| 132 | Letter to Texas Medical Board from Dr. Rodriguez (DOJ_PINEMONT-0003493-DOJ_PINEMONT-0003497) | | | | |
| 133 | December 27, 2017 e-mail chain from April Hemphill to Brish (DOJ_PINEMONT-0004370) | | | | |
| 134 | December 27, 2017 e-mail from April Hemphill to Brish, Rodriguez, and Felicia Ayoade (DOJ_PINEMONT-0004371 - DOJ_PINEMONT-0004372) | | | | |

| No. | Description | Offered | Objection | Date Admitted | Date Not Admitted |
|-----|------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------------|---------------|-------------------|
| 135 | April 30, 2018 e-mail from April Hempill Brish and Merck (DOJ_PINEMONT-0140466-DOJ_PINEMONT-0140485) | | | | |
| 136 | <i>Intentionally Left Blank</i> | | | | |
| 137 | 1099 for Dr. Brish (DOJ_PINEMONT-0003391) | | | | |
| 138 | Note from Clinic (DOJ_PINEMONT-0003419) | | | | |
| 139 | Employment Verification Letter for Dr. Brish (DOJ_PINEMONT-0003390) | | Relevance 404(a)(1) 404(b) 403 | | |
| 140 | Medical Services Agreement for Dr. Brish | | Authenticity Relevance | | |
| 141 | Guidelines for the Chronic Use of Opioid Analgesics (DOJ_PINEMONT-0004561-DOJ_PINEMONT-0004582) | | Authenticity Relevance Lack of confrontation Improper Expert Opinion | | |
| 142 | <i>Intentionally Left Blank</i> | | | | |
| 143 | Resume for Dr. Merck (DOJ_PINEMONT_REL0000150898-DOJ_PINEMONT_REL0000150900) | | | | |
| 144 | <i>Intentionally Left Blank</i> | | | | |
| 145 | Employment Verification Letter for Dr. Rodriguez (DOJ_PINEMONT_REL0000238088) | | | | |
| 146 | Miscellaneous Receipts for Dr. Brish (DOJ_PINEMONT_REL0000179942-DOJ_PINEMONT_REL0000179945) | | | | |
| 147 | <i>Intentionally Left Blank</i> | | | | |
| 148 | Do Not See List for Dr. Brish (DOJ_PINEMONT_REL0000238083) | | | | |
| 149 | Notice of Termination for Dr. Merck (DOJ_PINEMONT_REL0000150976) | | | | |
| 150 | <i>Intentionally Left Blank</i> | | | | |
| 151 | Blank prescriptions for Dr. Merck (DOJ_PINEMONT_REL0000206664, DOJ_PINEMONT_REL0000214409) | | | | |
| 152 | Blank prescriptions for Dr. Rodriguez (DOJ_PINEMONT_REL0000214414) | | | | |
| 153 | Patient File for J.M (00094796) (DOJ_PINEMONT-0102190-DOJ_PINEMONT-0102207) | | | | |
| 154 | Patient File for R.W. (00079077) (DOJ_PINEMONT-0085235-DOJ_PINEMONT-0085258) | | | | |
| 155 | Patient file for T.M. (00115327) (DOJ_PINEMONT-0121336-DOJ_PINEMONT-0121361) | | | | |
| 156 | Patient File for G.T (00085283) (DOJ_PINEMONT-0092677-DOJ_PINEMONT-0092719) | | | | |
| 157 | <i>Intentionally Left Blank</i> | | | | |
| 158 | Patient Files to D.W. (00077992) (DOJ_PINEMONT-0085448-DOJ_PINEMONT-0085468) | | | | |

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|-------------------|-----------------------------------------------------------------------------------|---------|------------------|---------------|-------------------|
| 159 | Patient Files to D.D. (00080463) (DOJ_PINEMONT-0087822-DOJ_PINEMONT-0087847) | | | | |
| 160 | <i>Intentionally Left Blank</i> | | | | |
| 161 | Patient File for T.B. (00083182)(DOJ_PINEMONT-0090647- DOJ_PINEMONT-0090665) # | | | | |
| 162 | Patient File to D.G. (00046129) (DOJ_PINEMONT-0053469 – DOJ_PINEMONT-0053500) | | | | |
| 163 | Patient File for R.B. (00063263) | | | | |
| 164 | Patient File for P.M. (00006794) (DOJ_PINEMONT-0014188 – DOJ_PINEMONT-0014213) | | | | |
| 165 | Patient File for P.M. (00006769) (DOJ_PINEMONT-0014163 – DOJ_PINEMONT-0014187) | | | | |
| 166 | Patient File for J.L. (00048926) (DOJ_PINEMONT-0056320 – DOJ_PINEMONT-0056356) | | | | |
| 167 | Patient File for A.J. (00053705) (DOJ_PINEMONT-0061099 – DOJ_PINEMONT-0061132) | | | | |
| 168 | Patient File for A.J. (00053793) (DOJ_PINEMONT-006113 – DOJ_PINEMONT-0061168) | | | | |
| 169 | Box of Brish & Nguyen Patient Files | | No pre-admission | | |
| 170 | Box of Rodriguez & Nguyen Patient Files | | No pre-admission | | |
| 171 | Box of Search Warrant Patient Files | | No pre-admission | | |
| 172 | Patient File for H.J. (00064800) (DOJ_PINEMONT-0072194 – DOJ_PINEMONT-0072208) | | | | |
| 173 | Patient File of R.J. (00013537) (DOJ_PINEMONT-0020912 – DOJ_PINEMONT-00013537) | | | | |
| 174 | Patient File for H.J. | | | | |
| 175 | Patient File for O.B. | | | | |
| 176 | Patient File for D.G. from Richard Lee, MD | | Relevance | | |
| 177 | Patient File for J.C. (00087451) | | | | |
| 178 | Patient File for D.C. (0072952) | | | | |
| 179 | <i>Intentionally Left Blank</i> | | | | |
| 180 | <i>Intentionally Left Blank</i> | | | | |
| 181 | <i>Intentionally Left Blank</i> | | | | |
| 182 | <i>Intentionally Left Blank</i> | | | | |
| 201 - Photographs | | | | | |
| 201 | Photo of Street Number (DOJ_PINEMONT-0140365) | | | | |
| 202 | Photo of Front Door (DOJ_PINEMONT-0140368) | | | | |
| 203 | Photo of Waiting Room (DOJ_PINEMONT-0140369) | | | | |
| 204 | Photo of Hallway (DOJ_PINEMONT-0140376) | | | | |
| 205 | Photo of Exam Room (DOJ_PINEMONT-0140377) | | | | |
| 206 | Photo of Exam Room (2) (DOJ_PINEMONT-0140378) | | | | |
| 207 | Photo of Back Door (DOJ_PINEMONT-0140379) | | | | |
| 208 | Photos of Signs (DOJ_PINEMONT-0140381) | | | | |

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| 209 | Photo of Tameika Moore (DOJ_PINEMONT-0157569) | | Authenticity Relevance | | |
| 210 | Photo of Tameika Moore (DOJ_PINEMONT-0157570) | | Authenticity Relevance | | |
| 211 | Photo of Tameika Moore (DOJ_PINEMONT-0157571) | | Authenticity Relevance | | |
| 212 | Photo of 5400 Pinemont Plaza | | Authenticity Relevance | | |
| 301 – PMP Data | | | | | |
| 301 | <i>Intentionally Left Blank</i> | | | | |
| 302 | PMP for Dr. Brish (December 1, 2016 to June 30, 2018) | | Relevance 403 as to dates prior to joining conspiracy | | |
| 303 | PMP for Dr. Merck (December 1, 2016 to June 30, 2018) | | | | |
| 304 | PMP for Dr. Rodriguez (December 1, 2016 to June 30, 2018) | | Relevance as to dates prior to joining conspiracy | | |
| 305 | Brish PMP for R.R. for November 25, 2017 – April 25, 2018# | | | | |
| 306 | Brish PMP for R.G. & S.G. for November 20, 2017 – January 1, 2018 | | | | |
| 307 | Brish PMP for T.B. for November 20, 2017 – January 3, 2018 | | | | |
| 308 | Brish PMP for R.J. for October 23, 2017 – December 20, 2017 | | | | |
| 309 | Brish PMP for P.H. for November 9, 2017 – February 21, 2018 | | | | |
| 310 | <i>Intentionally Left Blank</i> | | | | |
| 311 | <i>Intentionally Left Blank</i> | | | | |
| 312 | <i>Intentionally Left Blank</i> | | | | |
| 313 | <i>Intentionally Left Blank</i> | | | | |
| 314 | <i>Intentionally Left Blank</i> | | | | |
| 315 | <i>Intentionally Left Blank</i> | | | | |
| 316 | <i>Intentionally Left Blank</i> | | | | |
| 401 - Texas Medical Board | | | | | |
| 401 | PMP for Dr. Merck (August 1, 2018) | | | | |
| 402 | <i>Intentionally Left Blank.</i> | | | | |
| 403 | <i>Intentionally Left Blank</i> | | | | |
| 404 | PMP for Felicia Ayoade, APN (January 1, 2018 to February 28, 2018) 9 DOJ_PINEMONT-0010478- DOJ_PINEMONT-0010480) | | | | |
| 405 | PMP for Felicia Ayoade, APN (March 1, 2018 to May 15, 2018) (DOJ_PINEMONT-0010481- DOJ_PINEMONT-0010482) | | | | |

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|------------------|------------------------------------------------------------------------------------------------------------------|---------|----------------------------------------------------------|---------------|-------------------|
| 406 | Medical Practice Questionnaire for Dr. Rodriguez (DOJ_PINEMONT-0008320- DOJ_PINEMONT-0008322) | | | | |
| 407 | <i>Intentionally Left Blank</i> | | | | |
| 408 | December 2017 Audit for Dr. Rodriguez | | | | |
| 409 | December 2017 Audit for Dr. Brish | | | | |
| 410 | Medical Practice Questionnaire for NMSC (DOJ_PINEMONT-0005554- DOJ_PINEMONT-0005555) | | Relevance 403 | | |
| 411 | <i>Intentionally Left Blank</i> | | | | |
| 412 | Interview of Dr. Brish (DOJ_PINEMONT-0008090- DOJ_PINEMONT-0008095) | | | | |
| 413 | Medical Practice Questionnaire for Dr. Brish (DOJ_PINEMONT-0151461- DOJ_PINEMONT-0151462) | | Relevance 404(a)(1) 404(b)(1) 403 | | |
| 414 | <i>Intentionally Left Blank</i> | | | | |
| 415 | <i>Intentionally Left Blank</i> | | | | |
| 416 | Email to Texas Medical Board from Wilvin Carter (DOJ_PINEMONT-0147991- DOJ_PINEMONT-0147996) | | Authenticity as to content attributed to Defendant Brish | | |
| 417 | Secretary of State Records (DOJ_PINEMONT-0008097- DOJ_PINEMONT-0008103) | | | | |
| 418 | Patient File for B.C. | | | | |
| 419 | Patient File for S.G. | | | | |
| 420 | Dr. Brish Texas Medical Board Deposition Excerpts | | Authenticity relevance | | |
| 421 | Controlled Substance Log (DOJ_PINEMONT-0155072 – DOJ_PINEMONT-0155152) | | Relevance | | |
| 422 | Patient Sign-In Sheets (November 22, 2017 – January 8, 2018) | | Relevance as to dates prior to December 4, 2017 | | |
| 423 | Letter from Texas Medical Board (TMB) to Jesus Rodriguez re File # 18-3716 Announcing TMB's Formal Investigation | | | | |
| 424 | <i>Intentionally Left Blank</i> | | | | |
| 425 | <i>Intentionally Left Blank</i> | | | | |
| 426 | <i>Intentionally Left Blank</i> | | | | |
| 501 – Rx/Bottles | | | | | |
| 501 | Prescriptions from HPD Arrest (DOJ_PINEMONT-0140659-DOJ_PINEMONT-0140668) | | | | |
| 502 | Blank Prescription Bottles from HPD Arrest (2) | | | | |
| 503 | Carisoprodol Prescription Bottle from HPD Arrest | | | | |
| 504 | Hydrocodone Prescription Bottle from HPD Arrest | | | | |
| 505 | Bottles of Norco & Soma Prescribed by Dr. Rodriguez (Recovered on March 23, 2018) | | | | |
| 506 | Prescription for M.P. (Recovered on March 23, 2018) | | | | |

| No. | Description | Offered | Objection | Date Admitted | Date Not Admitted |
|---------------------|----------------------------------------------------------------------------------------------|---------|-----------|---------------|-------------------|
| 507 | Prescription for M.P. (Recovered on March 23, 2018) | | | | |
| 508 | Prescription for L.J. (Recovered on March 23, 2018) | | | | |
| 509 | Prescription for L.J. (Recovered on March 23, 2018) | | | | |
| 510 | Prescription for A.J. (Recovered on March 23, 2018) | | | | |
| 511 | Bottles of Norco & Soma Prescribed by Drs. Brish & Rodriguez (Recovered on January 23, 2018) | | | | |
| 512 | Bottles of Norco & Soma Prescribed by Drs. Brish & Rodriguez (Recovered on January 23, 2018) | | | | |
| 513 | Prescription for D.D. Rx # 39253 (Recovered on January 23, 2018) | | | | |
| 514 | Prescription for D.D. Rx # 39254 (Recovered on January 23, 2018) | | | | |
| 515 | Prescription for J.C. Rx # 39237 (Recovered on January 23, 2018) | | | | |
| 516 | Prescription for J.C. Rx # 39238 (Recovered on January 23, 2018) | | | | |
| 517 | Prescription for M.P. Rx # 39250 (Recovered on January 23, 2018) | | | | |
| 518 | Prescription for N.P. Rx # 39241 (Recovered on January 23, 2018) | | | | |
| 519 | Prescription for N.P. Rx #39242 (Recovered on January 23, 2018) | | | | |
| 520 | <i>Intentionally Left Blank.</i> | | | | |
| 521 | <i>Intentionally Left Blank.</i> | | | | |
| 522 | <i>Intentionally Left Blank.</i> | | | | |
| 601 – Recordings | | | | | |
| 601 | <i>Intentionally Left Blank</i> | | | | |
| 602 | <i>Intentionally Left Blank</i> | | | | |
| 603 | <i>Intentionally Left Blank</i> | | | | |
| 604 | Excerpt from DH TMB Video Camera Footage (00:00:50 – 00:01:58) | | | | |
| 605 | Excerpt from DH TMB Video Camera Footage (00:12:30 – 00:13:15) | | | | |
| 606 | Excerpt from DH TMB Video Camera Footage (00:17:15 – 00:18:10) | | | | |
| 607 | Excerpt from DH TMB Video Camera Footage (00:26:30 – 00:27:01) | | | | |
| 608 | Excerpt from DH TMB Video Camera Footage (00:29:02 – 00:29:58) | | | | |
| 609 | Excerpt from DH TMB Video Camera Footage (00:39:05 – 1:08:56) | | | | |
| 610 | Excerpt from DH TMB Video Camera Footage (1:10:28 – 1:15:40) | | | | |
| 611 | Excerpt from DH TMB Video Camera Footage (1:22:00 – 1:31:09) | | | | |
| 612 | <i>Intentionally Left Blank</i> | | | | |
| 613 | <i>Intentionally Left Blank</i> | | | | |
| 614 | <i>Intentionally Left Blank</i> | | | | |
| 701 – CME Documents | | | | | |

| No. | Description | Offered | Objection | Date Admitted | Date Not Admitted |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------|---------------|-------------------|
| 701 | Jesus Rodriguez CME Materials and Certificate for Course Completion on Medical Marijuana & Other Cannabinoids | | | | |
| 702 | Jesus Rodriguez CME Materials and Certificate for Course Completion on Prescription Opioids: Risk Management and Strategies for Safe Use | | | | |
| 703 | Jesus Rodriguez CME Materials and Certificate for Course Completion on Low Back Pain | | | | |
| 704 | Jesus Rodriguez CME Materials and Certificate for Course Completion on Optimizing Opioid Safety & Efficacy | | | | |
| 705 | Certificates Issues & Test Scores for J. Guillermo Rodriguez, MD from American Academy of Physical Medicine & Rehabilitation | | | | |
| 706 | Transcript for J. Guillermo Rodriguez, MD from American Academy of Physical Medicine & Rehabilitation (DOJ PINEMONT-0157731)# | | | | |
| 707 | <i>Intentionally Left Blank</i> | | | | |
| 708 | <i>Intentionally Left Blank</i> | | | | |
| 801 – Summary | | | | | |
| 801 | PDMP of Total Number of Brish Controlled Drug Prescriptions Issued per Month by Drug, September, 2016 – May, 2018 | | No pre-admission | | |
| 802 | 100 Patient Treatment Summary (Brish) | | No pre-admission | | |
| 803 | 100 Patient PMP Summary (Brish) | | No pre-admission | | |
| 804 | Rodriguez Consult & Prescription Summary | | No pre-admission | | |
| 805 | Summary Exhibit 5 | | No pre-admission | | |
| 806 | Summary Exhibit 6 | | No pre-admission | | |
| 807 | Summary Exhibit 7 | | No pre-admission | | |
| 808 | Summary Exhibit 8 | | No pre-admission | | |
| 809 | Summary Exhibit 9 | | No pre-admission | | |
| 810 | Summary Exhibit 10 | | No pre-admission | | |

(Continued on next page.)

Respectfully submitted,

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JOSEPH S. BEEMSTERBOER
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Date: August 3, 2021

CERTIFICATE OF SERVICE

I certify that on August 3, 2021, I electronically filed and served this document on defense counsel of record using CM/ECF.

/s/ Dallas J. Kaplan
Andrew Pennebaker
Carlos A. López
Dallas Kaplan